



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

025883 PM82/0906
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APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/485,956	06/16/00	023	TRAN, D	3661 09/06/01
First Named Applicant	ERICK,	35 USC 154(b) term ext. =		

TITLE OF INVENTION: COLLISION AVOIDANCE USING GPS DEVICE AND TRAIN PROXIMITY DETECTOR

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEES DUE	DATE DUE
2 10683/402	701-301.000	L55	UTILITY	NO	\$1240.00	12/06/01

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT.
PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- B. If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay FEE DUE shown above, or
- B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

II. Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give application number and batch number.

Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PATENT AND TRADEMARK OFFICE COPY

Notice of Allowability	Application No.	Applicant(s)
	09/485,956	ERICK, JACK M.
	Examiner	Art Unit
	DALENA TRAN	3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 6/21/01.
2. The allowed claim(s) is/are 1-23.
3. The drawings filed on _____ are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) The translation of the foreign language provisional application has been received.
6. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. CORRECTED DRAWINGS must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No. 14.
 - (b) including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1 Notice of References Cited (PTO-892)
- 2 Notice of Informal Patent Application (PTO-152)
- 3 Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 4 Interview Summary (PTO-413), Paper No. _____.
- 5 Information Disclosure Statements (PTO-1449), Paper No. _____.
- 6 Examiner's Amendment/Comment
- 7 Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 8 Examiner's Statement of Reasons for Allowance
- 9 Other


TAN NGUYEN
PRIMARY EXAMINER

Art Unit: 3661

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

1. This communication is an Examiner's reasons for allowance in response to application filed on 6/16/00, assigned serial 09/485956 and titled "Collision Avoidance Using GPS Device And Train Proximity Detector".
2. The following is the Examiner's statement of reasons for the indication of allowable subject matter:

After carefully reviewing the application in light of the amended claims and the additional search of all the possible areas relevant to the present application, a set of related prior art references has been found, but those prior art references are not deemed strong to make the application unpatentable. Thus, it is found that the application is now in condition for allowance.

Although the references found disclose several claimed limitations, none of the references discloses a train collision avoidance system, comprising: a data base storing train grade crossing data indicating the heading of roads intersecting respective railroad tracks at the grade crossings, a processor programmed to receive GPS vehicle location data to determine if the vehicle is within a predefined distance from a grade crossing, processor being programmed to correlate the heading data of a road with a heading of the road vehicle, and processor is programmed to provide a sensory indication when the vehicle is within the predefined distance from the grade crossing.

Also, none of the references found a first detector for detecting a geographical location of a vehicle, not a train; a second detector for detecting a proximity of a train near the vehicle, a direction sensing device for providing data indicating a heading of the vehicle, a processor is

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programmed to compare the geographical location of a vehicle with the coordinates of the grade crossing to determine whether the vehicle is within a prescribed distance and provide a sensory indication when comparison is affirmative, when detector detects a proximity of the train near the vehicle, and when the heading of the vehicle will cause the vehicle to intersect the grade crossing. None of the references found processor programmed to periodically determine a geographical location of the road vehicle and the processor defines an envelope of protection circumscribing the road vehicle so that envelope of protection moves with the road vehicle (claims 1-23).

Claims 1-23 are allowable over the prior art of record.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Dalena Tran, whose telephone number is (703) 308-8223. The examiner can normally be reached on Monday-Friday from 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

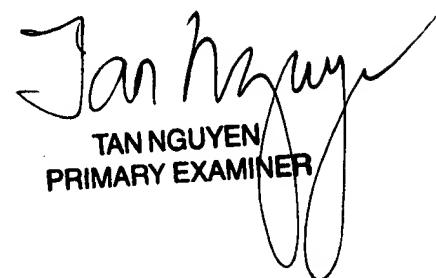
(703) 305-7687, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

/dt

September 05, 2001


TAN NGUYEN
PRIMARY EXAMINER